

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CRAIG WILKINS,

Plaintiff,

-v.-

SPECIALIZED LOAN SERVICING, LLC,

Defendant.

ORDER

20 Civ. 543 (GWG)

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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Before the Court are the defendant's motion for summary judgment (Docket ## 31, 34) and plaintiff's motion for summary judgment (Docket # 36). The defendant responded to the plaintiff's motion (Docket # 37), and plaintiff filed a reply memorandum (Docket # 40). However, plaintiff filed no papers in opposition to the defendant's motion. Strangely, plaintiff asserted in his memorandum of law supporting his own summary judgment motion that "[d]efendant did not file any" motion for summary judgment (Docket # 36-4 at 4) — even though such a motion had been filed on the docket days earlier (Docket ## 31, 34).

The issues raised in plaintiff's own motion mirror the issues raised in the defendant's motion and thus the Court will not consider the defendant's motion to be unopposed. Instead, it will deem the defendant's motion to be opposed by the arguments raised in plaintiff's own motion papers. Along this vein, the facts in the defendant's 56.1 statement (Docket # 31-1) are deemed admitted inasmuch as they have not been controverted through the filing of the counterstatement required by Local Civil Rule 56.1(b),(c). But to the extent that a particular fact in defendant's 56.1 statement is controverted directly by a statement in plaintiff's Rule 56.1 statement (Docket # 36-1), the Court will treat such factual statement as controverted.

If this Order has mischaracterized the record in some way, a party has leave to address the alleged mischaracterization by means of a letter to the Court filed on ECF on or before July 14, 2022.

SO ORDERED.

Dated: New York, New York

July 12, 2022


GABRIEL W. GORENSTEIN
United States Magistrate Judge